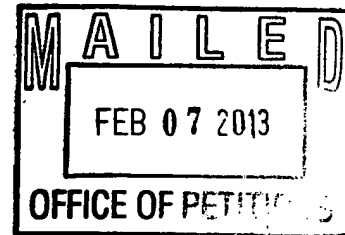




ANDRUS SCEALES STARKE AND SAWALL
100 EAST WISCONSIN AVENUE
SUITE 1100
MILWAUKEE WI 53202



In re Patent No. 5,597,815
Issued: January 28, 1997
Application No. 08/502,288
Filed: July 13, 1995
Attorney Docket Number: 1256-00510

ON PETITION

This is a decision on the PETITION TO CORRECT ASSIGNEE UNDER 37 C.F.R. 37 CFR 3.81(B)¹, filed January 25, 2013, to correct the assignment information on the front of the Patent.

The petition is **DISMISSED**.

Petitioner asserts that there are two assignees, Wisconsin Alumni Research Foundation and Washington University. Petitioner argues that one Assignment document was from inventor Hector F. DeLuca to Wisconsin Alumni Research and the assignment from inventor Eduardo Slatopolsky was to Washington University however the Recordation Cover Sheet for the Assignment document from inventor Eduardo Slatopolsky incorrectly listed Wisconsin Alumni Research Foundation as the assignee thus, the recordation cover sheets both identified the assignee as Wisconsin Alumni Research. Petitioner argues that the error was inadvertent.

On November 19, 2012, petitioner filed a CORRECTIVE ASSIGNMENT TO CORRECT ASSIGNEE NAME PREVIOUSLY RECORDED ON REEL 7730, FRAME 0816 and hereby requests that a certificate of correction be issued to reflect that Washington University is also an assignee.

37 CFR 3.81(b), effective June 25, 2004, reads:

After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter.

¹ See Official Gazette of June 22, 2004

U.S. Patent and Trademark Office assignment records disclose that assignments to Wisconsin Alumni Research were submitted on November 20, 1995 and that the information provided on the Recordation Form Cover Sheets was recorded. Additionally, the name of only one assignee, Wisconsin Alumni Research, was included on the Issue Fee(s) Transmittal form PTOL-85(b) at the time of payment of the issue fee on September 4, 1996. Accordingly, the patent grant was issued January 28, 1997 listing Wisconsin Alumni Research as the assignee.

What is printed on the face of the patent is the information printed on the PTOL-85(b). A certificate of correction would be in order if the information provided on the PTOL-85(b) was different from that included in the Office assignment records and it could be proven that the correct assignment information was recorded prior to the payment of the issue fee.

As the corrective assignment was submitted for recordation after the issuance of the patent grant and there is no evidence that the assignments were submitted for recordation prior to issuance of this patent, issuance of a certificate of correction would not be proper.²

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

By FAX: (571) 273-8300
 Attn: Office of Petitions

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

/Patricia Faison-Ball/

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

²See also MPEP 307.